

AMENDED IN SENATE JUNE 26, 2002
AMENDED IN ASSEMBLY APRIL 11, 2002
AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2659

Introduced by Assembly Member Runner
*(Coauthors: Assembly Members Bates, Bill Campbell, Cox, Koretz,
Leach, Robert Pacheco, and Zettel)*

February 22, 2002

An act to add Section 11102.1 to the Penal Code, relating to fingerprinting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2659, as amended, Runner. Fingerprinting.

Existing law requires the Attorney General to procure from any available source, and file for record and report in the office of the bureau, all descriptions, information, photographs, and measurements of all persons convicted of a felony, imprisoned, and of all well-known habitual criminals. Existing law permits the Department of Justice to use, among other things, the fingerprint system of identification. Existing law requires the department to maintain an automated system to retain fingerprints files and identify latent fingerprints.

This bill would require the department to establish, implement, and maintain a certification program to process fingerprint-based criminal background clearances on individuals who roll applicant fingerprint impressions for licensure, certification, or employment purposes, and would require those persons to be certified. The bill would authorize the

department to charge a fee sufficient to cover processing costs of the program. This bill would require any person who rolls fingerprint impressions for individuals who are being fingerprinted for nonlaw enforcement purposes, to submit to the department 2 sets of fingerprints, along with appropriate fees and documentation in order to process a criminal background clearance. The bill would prohibit the certification of a fingerprint roller if, among other things, the person has been convicted of a felony.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11102.1 is added to the Penal Code, to
2 read:

3 11102.1. (a) Notwithstanding any other provision of law, the
4 Department of Justice shall establish, implement, and maintain a
5 certification program to process fingerprint-based criminal
6 background clearances on individuals who roll applicant
7 fingerprint impressions, manually or electronically, for licensure,
8 certification, or employment purposes. Upon implementation of
9 the program, no person shall roll applicant fingerprints for nonlaw
10 enforcement purposes unless certified. Law enforcement
11 personnel *and state employees* who have received training
12 pertaining to applicant fingerprint rolling *and have undergone a*
13 *criminal offender record information background investigation*
14 are exempt from the requirements of this section. The department
15 shall charge a fee sufficient to cover the processing costs of the
16 certification program.

17 (b) Individuals who roll fingerprint impressions, either
18 manually or electronically, for individuals who are being
19 fingerprinted for applicant licensure, certification, or employment
20 purposes, must submit to the Department of Justice, manually or
21 electronically, two sets of fingerprints, along with the appropriate
22 fees and documentation. The department shall retain one copy of
23 the fingerprint impressions to process a state level criminal
24 background clearance, and it shall submit one copy of the
25 fingerprint impressions to the Federal Bureau of Investigation to
26 process a federal level criminal background clearance.



1 (c) The department shall retain the fingerprint impressions for
2 subsequent arrest notification pursuant to Section 11105.2.

3 (d) Every individual certified as a fingerprint roller shall meet
4 the following criteria:

5 (1) Be a legal resident of this state at the time of certification.

6 (2) Be at least 18 years of age.

7 (3) Have satisfactorily completed a notarized written
8 application prescribed by the department to determine the fitness
9 of the person to exercise the functions of a fingerprint roller.

10 (e) Prior to granting a certificate as a fingerprint roller, the
11 department shall determine that the applicant possesses the
12 required honesty, credibility, truthfulness, and integrity to fulfill
13 the responsibilities of the position. To assist in determining the
14 identity of the applicant, the department shall require that
15 applicants submit fingerprint images and related information.

16 (f) The department shall not certify any individual who has
17 been convicted of any felony offense or any other offense
18 involving moral turpitude, dishonesty, or fraud, that the
19 department deems as unsuitable within the parameters of the
20 certification program in California or any other state or
21 jurisdiction. The certification shall be revoked if, at any time, the
22 individual is convicted of any felony offense, or any other offense
23 involving moral turpitude, dishonesty, or fraud, that the
24 department deems as unsuitable within the parameters of the
25 certification program in California or any other state or
26 jurisdiction.

27 (g) In addition to subdivision (f), the department may refuse to
28 certify any individual as a fingerprint roller or make, revoke, or
29 suspend the certification of any fingerprint roller upon any of the
30 following:

31 (1) Substantial and material misstatement or omission in the
32 application submitted to the department.

33 (2) If the individual has been convicted of or is awaiting
34 adjudication for a felony or a lesser offense involving moral
35 turpitude, or a lesser offense of a nature incompatible with the
36 duties of a fingerprint roller. A conviction after a plea of nolo
37 contendere is deemed to be a conviction within the meaning of this
38 subdivision.

39 (3) Revocation, suspension, restriction, or denial of a
40 professional license, if the revocation, suspension, restriction, or

1 denial was for misconduct, dishonesty, or for any cause
2 substantially related to the duties or responsibilities of a
3 fingerprint roller.

4 (4) Failure to discharge fully and faithfully any of the duties or
5 responsibilities required of a fingerprint roller.

6 (5) Been adjudged liable for damages in any suit grounded in
7 fraud, misrepresentation, or in violation of the state regulatory
8 laws, or in any suit based upon a failure to discharge fully and
9 faithfully the duties of a fingerprint roller.

10 (6) Use of false or misleading advertising in which the
11 fingerprint roller has represented that he or she has duties, rights,
12 or privileges that he or she does not possess by law.

13 (7) Commission of any act involving dishonesty, fraud, or
14 deceit with the intent to substantially benefit the fingerprint roller
15 or another, or to substantially injure another.

16 (8) Failure to submit any remittance payable upon demand by
17 the department under this section or failure to satisfy any court
18 ordered money judgment, including restitution.

19 (h) Commencing January 1, 2004, the department shall not
20 accept applicant fingerprint impressions, manually or
21 electronically, unless they were rolled by an individual certified
22 under the Department of Justice Fingerprint Rolling Certification
23 Program.

24 (i) The Department of Justice may adopt regulations as
25 necessary to implement the provisions of this section.

